

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

AZURE SKY FORTENER,

Plaintiff,

v.

KILOLO KIJAKAZI,¹

Acting Commissioner of Social Security,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

3:21-CV-201-JEM

ORDER OF REMAND UNDER SENTENCE FOUR OF 42 U.S.C. § 405(g)

Before the Court are the parties' Joint Motion to Remand to Social Security Administration [Doc. 23] and Plaintiff's Motion for Judgment on the Administrative Record [Doc. 20]. For the reasons stated herein, the Court will **GRANT** the parties' Joint Motion for Entry of Judgment Under Sentence Four, 42 U.S.C. § 405(g) [**Doc. 23**] and **DENY as MOOT** Plaintiff's Motion for Judgment on the Administrative Record [**Doc. 20**].

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the joint motion to remand this action, this Court now, upon substantive review, hereby enters a judgment under sentence four of 42 U.S.C. § 405(g), reversing the Commissioner's decision with a remand of the cause to the Commissioner according to the

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 405(g) of the Social Security Act, 42 U.S.C. § 405(g).

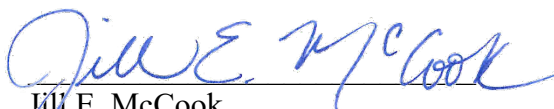
following terms. *See Shalala v. Schaefer*, 509 U.S. 292, 296 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89, 97–98 (1991).

The Court finds remand is warranted for further consideration of whether Plaintiff retains the ability to perform other work found in significant numbers in the national economy and to resolve any conflicts between the vocational expert's testimony and the Dictionary of Occupational Titles pursuant to Social Security Ruling 00-4p, 2000 WL 1898704. Entry of final judgment remanding this case will begin the appeal period which determines the 30-day period during which a timely application for attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, may be filed.

Accordingly, the parties' Joint Motion for Entry of Judgment Under Sentence Four, 42 U.S.C. § 405(g) [**Doc. 23**] is hereby **GRANTED**, and Plaintiff's Motion Judgment on the Administrative Record [**Doc. 20**] is hereby **DENIED AS MOOT**. A separate judgment will enter.

IT IS SO ORDERED.

ENTER:


Jill E. McCook
United States Magistrate Judge